

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

| | | |
|-------------------------------|---|---|
| ePLUS, INC., |) | |
| |) | |
| |) | Civil Action No. 3:09-CV-620 (REP) |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| LAWSON SOFTWARE, INC., |) | |
| |) | |
| |) | |
| Defendant. |) | |

PLAINTIFF *ePLUS* INC.’S PROPOSED VERDICT FORM

Plaintiff *ePlus*, Inc., (“*ePlus*”) hereby provides the attached proposed verdict form for the trial in the above-captioned matter, pursuant to the Scheduling Order in this case. *ePlus* reserves its right to amend, supplement, or modify this proposed verdict form as the case proceeds through trial and based upon conferences with opposing counsel. *ePlus* does not concede, by submitting the proposed verdict form, that Defendant has met its evidentiary burdens with respect to any of the issues to which the proposed form pertains. Neither does *ePlus* waive any objections relating to issues that are or have been the subject of pending motions, including motions *in limine*.

VERDICT

We, the jury, find as follows:

I. INFRINGEMENT

(As to each claim, a “YES” answer is a finding for *ePlus*. A “NO” answer is a finding for Lawson.)

1. Do you find that *ePlus* has proven that it is more likely than not that Lawson has infringed claim 3 of the ‘683 patent, either directly or indirectly?

Check one: YES _____ NO _____

2. Do you find that *ePlus* has proven that it is more likely than not that Lawson has infringed claim 6 of the ‘683 patent, either directly or indirectly?

Check one: YES _____ NO _____

3. Do you find that *ePlus* has proven that it is more likely than not that Lawson has infringed claim 26 of the ‘683 patent, either directly or indirectly?

Check one: YES _____ NO _____

4. Do you find that *ePlus* has proven that it is more likely than not that Lawson has infringed claim 28 of the ‘683 patent, either directly or indirectly?

Check one: YES _____ NO _____

5. Do you find that *ePlus* has proven that it is more likely than not that Lawson has infringed claim 29 of the ‘683 patent, either directly or indirectly?

Check one: YES _____ NO _____

6. Do you find that *ePlus* has proven that it is more likely than not that Lawson has infringed claim 1 of the '516 patent, either directly or indirectly?

Check one: YES _____ NO _____

7. Do you find that *ePlus* has proven that it is more likely than not that Lawson has infringed claim 2 of the '516 patent, either directly or indirectly?

Check one: YES _____ NO _____

8. Do you find that *ePlus* has proven that it is more likely than not that Lawson has infringed claim 6 of the '516 patent, either directly or indirectly?

Check one: YES _____ NO _____

9. Do you find that *ePlus* has proven that it is more likely than not that Lawson has infringed claim 9 of the '516 patent, either directly or indirectly?

Check one: YES _____ NO _____

10. Do you find that *ePlus* has proven that it is more likely than not that Lawson has infringed claim 21 of the '516 patent, either directly or indirectly?

Check one: YES _____ NO _____

11. Do you find that *ePlus* has proven that it is more likely than not that Lawson has infringed claim 22 of the '516 patent, either directly or indirectly?

Check one: YES _____ NO _____

12. Do you find that *ePlus* has proven that it is more likely than not that Lawson has infringed claim 29 of the '516 patent, either directly or indirectly?

Check one: YES _____ NO _____

13. Do you find that *ePlus* has proven that it is more likely than not that Lawson has infringed claim 1 of the '172 patent, either directly or indirectly?

Check one: YES _____ NO _____

II. WILLFULNESS

14. If you have found that Lawson has infringed any of the *ePlus* patent claims, do you also find by clear and convincing evidence that Lawson's infringement has been willful?

Check one: YES _____ NO _____

III. VALIDITY

(As to each claim, a "YES" answer is a finding for Lawson. A "NO" answer is a finding for *ePlus*.)

15. Do you find that Lawson has proven by clear and convincing evidence that claim 3 of the '683 patent is invalid?

Check one: YES _____ NO _____

16. Do you find that Lawson has proven by clear and convincing evidence that claim 6 of the '683 patent is invalid?

Check one: YES _____ NO _____

17. Do you find that Lawson has proven by clear and convincing evidence that claim 26 of the '683 patent is invalid?

Check one: YES _____ NO _____

18. Do you find that Lawson has proven by clear and convincing evidence that claim 28 of the '683 patent is invalid?

Check one: YES _____ NO _____

19. Do you find that Lawson has proven by clear and convincing evidence that claim 29 of the '683 patent is invalid?

Check one: YES _____ NO _____

20. Do you find that Lawson has proven by clear and convincing evidence that claim 1 of the '516 patent is invalid?

Check one: YES _____ NO _____

21. Do you find that Lawson has proven by clear and convincing evidence that claim 2 of the '516 patent is invalid?

Check one: YES _____ NO _____

22. Do you find that Lawson has proven by clear and convincing evidence that claim 6 of the '516 patent is invalid?

Check one: YES _____ NO _____

23. Do you find that Lawson has proven by clear and convincing evidence that claim 9 of the '516 patent is invalid?

Check one: YES _____ NO _____

24. Do you find that Lawson has proven by clear and convincing evidence that claim 21 of the '516 patent is invalid?

Check one: YES _____ NO _____

25. Do you find that Lawson has proven by clear and convincing evidence that claim 22 of the '516 patent is invalid?

Check one: YES _____ NO _____

26. Do you find that Lawson has proven by clear and convincing evidence that claim 29 of the '516 patent is invalid?

Check one: YES _____ NO _____

27. Do you find that Lawson has proven by clear and convincing evidence that claim 1 of the '172 patent is invalid?

Check one: YES _____ NO _____

IV. DAMAGES

28. If you have found at least one claim of any of the *ePlus* patents is infringed by Lawson and not invalid, what reasonable royalty do you find is adequate to compensate *ePlus* for Lawson's infringement to date?

AMOUNT \$_____

INSTRUCTION: CONTINUE AND SIGN VERDICT FORM ON NEXT PAGE

You each must sign this Verdict Form.

Dated: _____

FOREPERSON

Respectfully submitted,

Dated: September 3, 2010

/s/

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CERTIFICATE OF SERVICE

I certify that on this 3rd day of September, 2010, I will electronically file the foregoing **PLAINTIFF ePLUS INC.'S PROPOSED VERDICT FORM** with the Clerk of Court using the CM/ECF system which will then send a notification of such filing (NEF) via email to the following:

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